

**Christine Cusack**

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**From:** Christine Cusack  
**Sent:** Wednesday, March 23, 2005 5:37 PM  
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**Cc:** Jeff Asperger  
**Subject:** Proposed Joint Motion

Attached is a Proposed Joint Motion to Modify Discovery Schedule (in both WordPerfect and Word formats) per Judge Bredar's Memorandum and Order dated Feb. 24, 2005. Please review same and submit any proposed changes to my attention before 1:00 p.m. CST at which time this Motion will be filed.  
Thank you.



oint mtn. to modify  
discovery...



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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Northern Division)

IN THE MATTER OF  
THE COMPLAINT OF  
ETERNITY SHIPPING, LTD. AND  
EUROCARRIERS, S.A.  
FOR EXONERATION FROM OR  
LIMITATION OF LIABILITY

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Civil Action No.: L01CV0250

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**JOINT MOTION TO MODIFY DISCOVERY SCHEDULE**

NOW COME all parties, by and through their respective attorneys, and hereby submit this Joint Motion to Modify the Discovery Schedule, and in support thereof states as follows:

1. This matter involves a fatal accident which occurred in July 2000 aboard the M/V Leon as it discharged bulk sugar at Tate & Lyle Northern American Sugars, Inc.'s ("Tate & Lyle") refinery in Baltimore. A cable supporting the boom of a crane aboard the vessel parted, and the boom collapsed onto the boom of a shore-side crane that, in turn, plunged into a hold of the vessel. Two crewmen aboard the vessel were killed.

2. Tate & Lyle had the M/V Leon arrested following this incident and filed this lawsuit in August 2000. Eternity Shipping, Ltd. and Eurocarriers, S.A. ("ESL/EC") filed a limitation action in September 2000 and American Bureau of Shipping ("ABS") was joined in the action in May 2002.

3. Based on the contested liability, the amount of damages at issue, the number of parties involved in the case, the extensive investigation involved, the numerous discovery documents and the complexity of the issues, the parties feel it is necessary to amend the discovery schedule as follows:

- a. claimants'/third-party plaintiff's expert reports due: April 24, 2005;
- b. limitation plaintiffs'/third-party defendants' expert reports due: May 24, 2005;
- c. completion of expert discovery: June 24, 2005; and
- d. dispositive motions due: July 25, 2005.

WHEREFORE, the parties respectfully request this Honorable Court amend the discovery schedule as proposed and for any and all other relief this Court deems fair and appropriate.

Agreed to by:

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/s/

Jeffrey J. Asperger  
Attorney for Tate & Lyle Northern American Sugars,  
Inc.

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Robert G. Clyne  
Attorney for American Bureau of Shipping

\_\_\_\_\_  
M. Hamilton Whitman, Jr.  
Attorney for Eternity Shipping, Ltd. and Eurocarriers,  
S.A.

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R. Blake Brunkenhoefer  
Attorney for Josefina Gonzalez